

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
November 5, 2004

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, November 5, 2004 from 12:00 noon until 3:15p.m.

1. Members present. Robert R. Aylsworth, Mary Beth Bonaventura, John Jay Boyce, Brett J. Niemeier, Daniel L. Pflum, R. Paulette Stagg, Frank Sullivan, Jr. and Mary R. Harper, chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on October 1, 2004 were approved.
4. Guests present. Jane Bisbee, Director, Division of Family and Children, Family and Social Services Administration (FSSA); Sandy Locke, Program Manager, Indiana Child Welfare Information System (ICWIS), FSSA; Bill Glick, Executive Director, Juvenile Justice Task Force; Laurie Elliott, Attorney, Children's Law Center; Nicole Kincaid, Program Director, Juvenile Division, Indiana Criminal Justice Institute (ICJI); Michelle Tennell, Compliance Monitor, ICJI; and Larry Grau, The Grau Group, Inc., were also present.
5. State Child Protection Task Force. Judge Harper gave a report on the Governor's Child Protection Task Force created to give advice to local offices of family and children in removal of children from the home in CHINS cases. She reported the committee meets via conference call and Jane Bisbee is staff. The Task Force reviews only recent cases. Jane Bisbee reported local caseworkers and supervisors appreciate the input from the Task Force.
6. Pew Commission on Children In Foster Care Report. Jane Bisbee, FSSA and Sandy Locke, FSSA gave a presentation to members of the committee about information contained in ICWIS computer system. They distributed the ICWIS Report Description, which listed about 200 reports ICWIS has already programmed and can be printed at any time. Sandy Locke explained there are over 9000 data elements in ICWIS, which may be programmed to report information on placement, timelines of individual cases and other areas. The entire history of a child is in ICWIS. Tickler messages are sent to individual caseworkers, e.g. every 60 days a tickler is sent to remind the caseworker to see a child in care. Only the state office can conduct special queries. Committee members agreed this information about placements and timelines would assist in getting case management information for courts as called for by the Pew Commission.
7. HEA 1194 – Child death cases.
 - a. Jeffrey Bercovitz distributed the portion of HEA 1194 concerning child death cases.
 - b. Jane Bisbee explained the process of distribution of cases to various courts for redaction and their return to FSSA.
8. Program Improvement Plan.
 - a. Jane Bisbee reported HHS conducted Indiana's Child Welfare Review in 2001. A Program Improvement Plan was approved in August 2002 and a final report given to HHS

showing Indiana's compliance with the improvements recommended in August 2002 report was forwarded to HHS in August 2004. Jane Bisbee believes it will be approved. She agreed to forward an electronic version of August 2004 report to the Indiana Judicial Center. She reported another review will occur in 2005 and will include Marion and 2 other counties.

9. Detention.

a. Bill Glick, Executive Director, Indiana Juvenile Justice Task Force brought the following questions to the committee's attention for their review:

(1) Can a child over 18 years of age, still under juvenile court jurisdiction, be placed in a juvenile detention center? Laurie Elliott, attorney, Children's Law Center, said under Indiana law, a delinquent is defined as a person who commits a delinquent act before age 18, or is 18, 19 or 20 years old and still under juvenile court jurisdiction. She believes a juvenile or a delinquent 18, 19 or 20 years old could be placed in a detention center. That juvenile could not be placed in an adult jail since they were still under juvenile court jurisdiction. She stated OJJDP generally looks at the age of the child while Indiana law looks at the court's jurisdiction to determine placement.

Nikki Kincaid, ICJI, said federal law would not be violated at the present time. However, based on 2002 amendments to the Juvenile Justice Delinquency Prevention Act, she believes the Office of Juvenile Justice Delinquency Prevention will issue regulations indicating a juvenile over 18 ½ years old could not be placed in a juvenile detention center.

The bigger issue is the placement of 14, 15 and 16 year olds who have been waived. Indiana law indicates the juvenile should be placed in the jail, and federal law indicates the juvenile should be kept in the juvenile detention center.

(2) Can a juvenile court place a child in a detention center for consecutive juvenile dispositions for unrelated cases? Committee members agreed by consensus a court could not give consecutive dispositions for unrelated cases. However, the committee did believe multiple dispositions for clearly unrelated cases could occur at the same dispositional hearing even if they were not consecutive. This may occur when the prosecutor schedules the unrelated charges at the same time for disposition. In addition, while a juvenile is on probation for a delinquent act, and commits a new delinquent act, and is separately charged with the new delinquent act, dispositions for the probation violation and the new delinquent act committed by the juvenile could occur together. The multiple dispositions would occur at the same time for the better administration of the court's docket, rather than repeatedly returning the same child to court. Committee members agreed the juvenile statutes are silent on this issue.

b. Committee members discussed inviting all detention center directors and chief probation officers with juvenile jurisdiction to an educational program to discuss the following detention issues:

- (1) OJJDP expert review federal law concerning the detention of juveniles;
- (2) Review Indiana law on detention; keep detention as the main theme of the conference;
- (3) Bring back James Bell to discuss the liability of courts and detention centers that wrongfully detain juveniles;
- (4) Ask for problems caused by judges that could be corrected in advance of the meeting;
- (5) Ask for DOC to present an overview of their handling of delinquents in their system and recent changes;
- (6) Ask DOC to separately discuss juvenile parole services;
- (7) Discuss distribution of notices of juveniles and their release from DOC;
- (8) Explain how CHINS children cannot be placed in "secure" facilities;
- (9) Discuss what is really required for post-adjudication treatment of juveniles in detention, not just the statute and regulations;

- (10) Explain the nexus between preadjudication detention, postadjudication detention and Title IV-E requirements and services available for delinquents;
- (11) Discuss the use of the new statute, which permits detention of runaways 24 hours before and 24 hours after the detention hearing;
- (12) Discuss how runaway juveniles can be detained up to 90 days under the Interstate Compact on Juveniles; and
- (13) Discuss how detention staff must notify the Judicial Center when administering runaways from other states.

10. Court Improvement Program.

- a. Larry Grau, consultant, Court Improvement Program, distributed a draft survey of court practices to committee members. He asked each member to complete them and offer opinions on the flow of the survey and areas that may need improvement. He said they would not be required to complete the final version of this survey if they completed this one.
- b. He explained he would conduct court observations and file reviews in connection with the reassessment process required by the Court Improvement Program.

11. Other.

- a. Jeffrey Bercovitz distributed the draft Final Report of the Governor's Commission on Juvenile Law.
- b. Jeffrey Bercovitz gathered email addresses for Angel software, an intranet program is available for use by the committee. Committee members agreed to be trained on this software at the end of the January meeting.
- c. Jeffrey Bercovitz distributed recent newspaper articles concerning juveniles to members of the committee.

12. Next meeting dates. Committee members agreed to meet again on the following dates: January 7, 2005, February 4, 2005, March 4, 2005, May 6, 2005, and June 3, 2005; all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law